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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LA.APP. 454/2015

MANOJ KUMAR Appellant

Through: Ms. Smita Maan, Adv.

versus

UNION OF INDIA & ANR Respondent

Through: Mr. Yeeshu Jain & Ms. Jyoti Tyagi,
Advs. for R-1

Ms. Sukhbeer Kaur Bajua, Adv. for
R-2/DDA

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **20.01.2016**

CM Appln.27856/2015

By this application, the applicant seeks condonation of 1920 days delay in filing the accompanying appeal under Section 54 of the Land Acquisition Act.

The reasons given in the application to seek condonation are that on acquisition of the land of the appellant vide Award No. 1/2007-2008, he had filed the reference petition under Section 18 of the Land Acquisition Act, 1894 which was referred to the court and his case was registered as LAC No.248/2009.

Against the judgment and decree passed by the reference court, the appellant/applicant had preferred an appeal before this Court vide Diary No.180069/2010 but because he could not pay the court fee, the appeal was

returned under objection. For the paucity of money because of the unemployment of the appellant/applicant, the appeal could not be filed earlier.

Learned counsel appearing for respondents sought time to reply to the application.

This Court is of the opinion that no reply in the aforesaid case is necessary. The Hon'ble Supreme Court of India has already enhanced the compensation in respect of the same acquisition proceedings in Civil Appeal Nos. 10982-11033/2014 titled ***Charan Singh & Others vs. Union of India & Another*** decided on 11.12.2014.

The courts have been liberal in condoning the delay in filing the appeals under the Land Acquisition Act as there is a compulsory acquisition of the land whereas the appellants are, more often than not, agriculturists coming from rural background.

The Apex Court has condoned large delays but for equitable grounds, though, has denied interest to the claimants for the period of delay.

Keeping in view the aforesaid factual position as also taking into account the ground shown in the application for condonation of delay, the application is allowed and the delay in filing the appeal is condoned with the condition that the appellant shall not be entitled to the interest for the period of delay.

The application stands disposed of.

LA.APP. 454/2015

Since the present appeal is covered by the decision of the Hon'ble Supreme Court of India in ***Charan Singh & Others vs. Union of India & Another*** decided on 11.12.2014, the present appeal is disposed of in terms of

the said decision. The appellant shall, however, not be entitled to the interest for the period of delay.

The appeal stands disposed of.

ASHUTOSH KUMAR, J

JANUARY 20, 2016

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